

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

UNITED STATES OF AMERICA, §
v. §
Plaintiff, §
THE STATE OF TEXAS, § Civil No. 1:21-cv-796
Defendant. §

UNITED STATES' OPPOSED MOTION TO EXCEED PAGE LIMITATIONS

Pursuant to Local Rule CV-7(B), the United States respectfully requests leave to file a motion that exceeds the page limit set forth in Local Rule CV-7(C)(2). The Government seeks leave to file a 35-page Emergency Motion for a Temporary Restraining Order or Preliminary Injunction, which would be fifteen pages longer than permitted under the Local Rules. In support of this motion, the Government states as follows:

1. On September 9, 2021, the United States filed its complaint in this case against the State of Texas, seeking a declaratory judgment stating that Texas's Senate Bill 8, 87th Leg., Reg. Sess. (Tex. 2021) ("S.B. 8") (to be codified at Tex. Health & Safety Code §§ 171.203(b), 171.204(a)) is invalid, null, and void, as well as injunctive relief prohibiting any and all enforcement of S.B. 8 by the State. Dkt. 1, Compl., Prayer for Relief.

2. The United States' emergency motion seeks to enjoin the effect of S.B. 8 on numerous legal grounds including that S.B. 8 was enacted in violation of the Supremacy Clause and the Fourteenth Amendment and that S.B. 8 prevents the very individuals it injures from vindicating their rights through the ordinary process of judicial review. The additional pages are needed so that the

United States adequately can explain these legal issues and the basis for its emergency request to enjoin S.B. 8.

3. Texas will not be prejudiced by this extension, as they are free to file a motion for excess pages for their response brief under the rules. The United States anticipates consenting to any such motion that is proportional to the relief sought here.

4. Pursuant to Local Rule CV-7(G), undersigned counsel conferred with counsel for the State of Texas in a good faith attempt to resolve this motion by agreement, and counsel for the State indicated that the State is opposed to the requested relief.

WHEREFORE, the United States respectfully requests that this Court grant it leave to file a 35-page brief in support of its Emergency Motion for a Temporary Restraining Order or Preliminary Injunction. A proposed order is attached.

Dated: September 14, 2021

Respectfully submitted,

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CERTIFICATE OF CONFERENCE

I certify that I conferred via email with counsel for the State of Texas regarding the relief requested in this application. Counsel for the State indicated that the State is opposed to the requested relief.

/s/ Lisa Newman
Lisa Newman

CERTIFICATE OF SERVICE

I certify that a copy of this filing was emailed to Kenneth Paxton, Attorney General for the State of Texas, and Brent Webster, the First Assistant to the Texas Attorney General. I further certify that parties will also be served pursuant to Rule 5(b) of the Federal Rules of Civil Procedure.

/s/ Lisa Newman
Lisa Newman